

International legal aspects of civil aviation security

Summary

The main focus of this thesis is to analyze the existing legal instruments that the international community has at its disposal in order to secure safe international air transport and its protection from unlawful acts. As the current level of global security tightens, the topic of civil aviation security can be perceived as especially topical. Seen from the perspective of a perpetrator, air transport, including each element of its infrastructure, represents a valuable target.

This thesis analyses the legal instruments and evaluates the importance of the legislative functions of the International Civil Aviation Organization ICAO within the framework of the proclaimed risk based approach. The risk-based approach should gradually prevail over the traditional reactive approach firmly established in the existing multilateral treaties dealing with civil aviation security.

This thesis is divided into 7 parts. The first of which outlines the genesis of unlawful acts in civil aviation and takes into account the importance of those events for legislative development in the area of air security.

Part two deals with selected modern trends in civil aviation security shaping the existing legal regime. Threats of terrorism and cyberterrorism as a present day phenomena are best dealt with through the application of the risk-based approach and should therefore be properly addressed.

The third part of this thesis provides an overview of existing international treaties concerned with civil aviation security. This chapter contains analysis of the existing legal framework, together with an in-depth reflection of certain disputable aspects regarding the application or interpretation of international treaties, both in terms of timeliness and their material scope.

Chapter four highlights the function of ICAO and the legal instruments at its disposal as well as some problematic aspects going hand in hand with its functioning and its conferred powers. An example of this could be the insufficient enforcement of international standards and recommended practices attached to the Chicago Convention in the form of Annexes.

The notional second part of this thesis deals with some practical impacts of the risk-based approach application in chapters 6 and 7. This includes passenger profiling and processing of passengers' personal data, effectiveness of such processing and legal grounds

for it. This issue is analyzed in the context of basic human rights and fundamental freedoms which often collide with the measures securing air transport. In conclusion examples of the risk-based approach are described using detection control methods currently placed in practice and background check performance.

Key words: civil aviation security, international law, protection of civil aviation from unlawful acts